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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/775,546
Filing Date	February 10, 2004
First Named Inventor	James E. Van Hoeck, et al.
Art Unit	3738
Examiner Name	David J. Isabella
Attorney Docket Number	MSDI-435/PC263.32

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	September 7, 2006	Reg. No.	45,431

## CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name

Brad A. Schepers

Date September 7, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

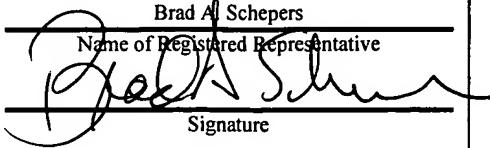
In re patent application of:	)	Before the Examiner:
Van Hoeck et al.	)	David J. Isabella
	)	
Application Serial No. 10/775,546	)	Group Art Unit 3738
	)	
Filed February 10, 2004	)	Ref. No. MSDI-435/PC263.32
	)	
INTERVERTEBRAL SPACERS	)	September 7, 2006

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action mailed June 9, 2006, please enter and consider the following amendments and remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
September 7, 2006	
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Brad A. Schepers	
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September 7, 2006	
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### INTRODUCTORY COMMENTS

Claims 1-48 and 58 were pending in the subject application for the non-final Office Action mailed on June 9, 2006. Claims 21-48 have been withdrawn from consideration as being drawn to a non-elected species of the invention. Claims 1-20 and 58 have been rejected on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.